40. A method of using an antibody to purify polypeptide of SEQ ID NO:3 or SEQ ID NO:5 from a sample, the method comprising:

a) combining the antibody of claim 26 with a sample under conditions to allow specific binding; and

b) separating the antibody from the protein, thereby obtaining purified polypeptide of SEQ ID NO:3 or SEQ ID NO:5. -

REMARKS

Applicants hereby elect to prosecute the newly added claims corresponding to the claims of Group I (claims 21, 22, 27 and 28), with traverse. Applicants submit that the invention encompassed by the claims of Groups I and III (drawn to polypeptides and antibodies which specifically bind to the polypeptides, respectively, wherein the newly added claims corresponding to the claims of Group III include clams 26, 31-32, 33-34 and 36-38) could be examined at the same time, without undue burden on the Examiner. For example, a search of the prior art to determine the novelty of the antibodies would substantially overlap with a search of the claims directed to the polypeptide.

In addition, claims directed to methods of making and using the polypeptides (new claims 24-25 and 29-30) as well as claims directed to making and using the antibodies thereto (new claims 32, 35, 39 and 40), could and should be examined together with the respective product claims from which they depend, per the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai, In re Brouwer* and 35 U.S.C. § 103(b)" which sets forth the rules, upon allowance of product claims, for rejoinder of process claims covering the same scope of products. Applicants respectfully submit that there is minimal additional burden on the Examiner to examine those claims in addition to the claims elected in the present application, particularly in view of the additional burden on Applicants to file, prosecute and maintain yet additional applications in this family, and respectfully request that the Examiner consider doing so.

Claims corresponding to Groups IV-VIII have not been repeated herein.

It is noted that the polynucleotides of original claims 3-12, complementary polynucleotides, hybridization probes, and expression vectors based on these polynucleotide sequences have already been examined and allowed in the parent application, which was recently withdrawn from issue in order to submit a supplementary IDS. References cited in that IDS are submitted herewith.

Therefore, Applicants respectfully submit that, because the searches required to identify prior art relevant to the claims of Groups I- VII would substantially overlap, examination of all of the pending claims would pose no undue burden. Thus, Applicants request reconsideration and withdrawal of the Restriction Requirement and examination of the entirety of Applicants' claims.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. **09-0108.**

This form is enclosed in duplicate.

Respectfully submitted,

INCYTE PHARMACEUTICALS, INC.

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